



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2021

WEB COPY

CORAM:

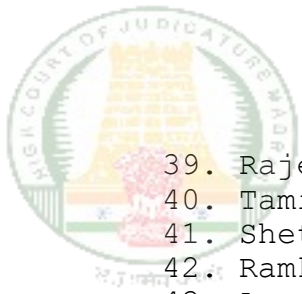
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.31498 of 2019

and

W.M.P.No.31682 of 2019

1. Pappathi
2. Palanisamy
3. Mani
4. Sivanantham
5. Govindasamy
6. Ponni
7. Chinnaponnu
8. Alamelu
9. Ramayee
10. Panchali
11. Lakshmi
12. Lakshmi
13. Vijaya
14. Sumathi
15. Amutha
16. Govindaraj
17. Kasi
18. Chinnakannu
19. Srirangan
20. Valliammal
21. Rasathi
22. Chinnapappa
23. Sambunathi
24. Kamalam
25. Chinnaponnu
26. Lakshmi
27. Ramamurthi
28. Meenachi
29. Thangam
30. N.Mani
31. N.Selvam
32. Sivagami
33. Lakshmi
34. Meenachi
35. Lakshmi
36. Alamelu
37. Palanisamy
38. Mani



39. Rajendran
40. Tamil Kodi
41. Shettumani
42. Ramkumar
43. Aravinth Ramanathan

... Petitioners

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Agricultural Department,
Fort St. George,
Chennai-600 009.
2. The District Collector,
Collectorate,
Salem District.
3. The Revenue Divisional Officer,
Salem.
4. M/s.Salem District Cooperative Milk
Producers Union Limited,
represented by its General Manager,
having office at Thalavaipatty Village,
Sithanoor, Salem-636 302.
5. The Tahsildar,
Salem District,
Salem.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, declaring the proceedings initiated by the respondents in G.O.Ms.No.151, dated 03.02.1983 and the consequential declaration under Section 6 of the Land Acquisition Act, 1892 in G.O.Ms.No.158, Agricultural Department dated 04.02.1986 as lapsed in the light of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by directing the 5th respondent for mutation of revenue records in respect of lands comprised in Survey Nos. 31/3-B and 31/4-B at Thalavaipatty Village, Sithanoor Post, Salem District admeasuring 4.55 acres in favour of the petitioners.

For Petitioners : Mr.V.P.Sengottuvel for
Mr.A.Thiyagarajan

For Respondents: Mr.K.M.D.Muhilan,
Government Advocate for R1 to R3 & R5
Mr.L.P.Shanmugasundaram for R4



O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed seeking a declaration declaring that the land acquisition proceedings initiated by the respondents as lapsed under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter called as 'Act').

2. The grievance of the petitioners 1 to 43 is that, an extent of 4.55 acres of land was acquired by the respondents for the purpose of constructing feeder balancing Dairy and Animal Husbandry Complex at Salem for the 5th respondent. The present Writ Petition has been filed seeking the relief under Sec.24 (2) of the Act on the ground that the award amount has not been deposited as contemplated under the Act, and the possession of land was also not taken. Hence, the proceedings initiated by the respondents has been lapsed.

3. Mr. V.P.Sengottuvel, learned counsel appearing for petitioners, after advancing elaborate arguments, on the instructions from his clients, would submit that, he wants to withdraw the Writ Petition, with liberty to approach the Government seeking for withdrawal of land acquisition proceedings or reconveyance of land in favour of petitioners. The learned counsel had further submitted that, out of total extent of 55 acres acquired by the respondents, only 15 acres has been put in use and the remaining lands are kept vacant. The petitioners' land was not compounded by the beneficiary, 5th respondent and it was kept separately. In the above circumstances, according to the petitioners, since the land was not used for the purpose for which, it was acquired and it is kept vacant for quite long time, the petitioners will approach the Government seeking to exempt land from the acquisition proceedings or to reconvey the land in favour of them as per law. The learned counsel has also submitted that, the petitioners will make necessary application before the Government within a period of four weeks from the date of receipt of copy of the order and thereafter, the Government may be directed to consider petitioners' application and pass suitable orders.

4. Considering the request of learned counsel appearing for petitioners, the petitioners are permitted to withdraw the Writ Petition and liberty is granted to the petitioners to make suitable application before the Government seeking for exempting land from the acquisition proceedings or for reconveyance of land in favour of petitioners, within a period four weeks from the date of receipt of copy of this order. On filing such



application, the Government is directed to consider the same and pass suitable orders within a period of three months thereafter. Accordingly, this Writ Petition stands dismissed as withdrawn with the above direction. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

rpp
To

1. The Secretary to Government,
State of Tamil Nadu,
Agricultural Department,
Fort St. George,
Chennai-600 009.
 2. The District Collector,
Collectorate,
Salem District.
 3. The Revenue Divisional Officer,
Salem.
 4. The Tahsildar,
Salem District,
Salem.
- +1 CC to Mr.A.Thiyagarajan, Advocate sr 36503.

W.P.No.31498 of 2019

CP(CO)
SP(18/08/2021)